

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Fixed and Mobile Services in the Mobile Satellite)
Service Bands at 1525–1559 MHz and 1626.5–) ET Docket No. 10-142
2660.5 MHz, 1610–1626.5 MHz and 2483.5–)
2500 MHz, and 2000–2020 and 2180–2200 MHz)
)

To: The Commission

Comments of EIBASS

Engineers for the Integrity of Broadcast Auxiliary Services Spectrum (EIBASS) hereby respectfully submits its comments in the above-captioned Notice of Proposed Rulemaking (NPRM) and Notice of Inquiry (NOI) relating to flexibility for the Mobile Satellite Services (MSS).

**I. The Commission Has Overlooked Grandfathered TV BAS Channel A10
Operations at 2,483.5–2,500 MHz**

1. EIBASS is filing its comments because the Commission has issued a rulemaking that overlooks grandfathered Broadcast Auxiliary Services (BAS) operations on TV BAS Channel A10 at 2,483.5–2,500 MHz. Although there are approximately one hundred of these grandfathered TV BAS Channel A10 licenses, about 90% are used for electronic news gathering (ENG) TV Pickup stations. Further, a single TV Pickup license authorizes an unlimited number of mobile transmitters. TV Pickup station transmitters used for ENG are of necessity mobile and typically have substantial operational areas that typically employ multiple ENG receive-only (ENG-RO) sites. Broadcasters and TV Broadcast Network Entities holding TV BAS licenses with rights to grandfathered A10 operation carefully protect those licenses to ensure that they are not allowed to inadvertently expire and thus lose their grandfather rights. Why is this so important to BAS licensees? The simple and undisputed answer that has repeatedly been given to the Commission by the Society of Broadcast Engineers, Inc. (SBE) and others since 1982 is that there are more ENG users than available channels in many markets.¹ Grandfathered

¹ SBE first documented the problem insufficient BAS spectrum to the Commission in its comments to General Docket 82-334 (Policy for Certain Bands Between 0.947 and 40 GHz). Subsequent SBE filings on this same issue were made in ET Docket 94-32 (Return of Below-5 GHz Federal Spectrum to the Private

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operations on A10 are extensively used by BAS licensees as an "overflow" TV BAS channel when covering entertainment and sporting events, especially in Category I ENG markets.²

2. The substantial and vital grandfathered core business need and use of TV BAS Channel A10 was most recently pointed out in the December 1, 2009, EIBASS *ex parte* comments to IB Docket 02-364/ET Docket 00-258/WT Docket 03-66. The existence of TV BAS Channel A10 was also in the October 23, 2009, EIBASS reply comments and the October 13, 2009, EIBASS initial comments to the WT Docket 03-66 *Fifth Memorandum, Opinion and Order (MO&O) and Third FNPRM*. The existence of the TV BAS Channel A10 was additionally identified in the March 30, 2004, SBE *Reply to Opposition of Petition for Reconsideration* of the February 10, 2003, IB Docket 01-185 *Report and Order (R&O)*, and in the April 4, 2003, SBE *Petition for Reconsideration of the ET Docket 01-185 R&O*.

3. Thus, EIBASS is disappointed to once again see that the Commission has apparently overlooked grandfather operations on TV BAS Channel A10. That is, at page 2, footnote 7 of the ET Docket 10-142 NPRM, such TV BAS operations are not even mentioned when describing the current users of 2,483.5–2,500 MHz.

II. Summary

4. Grandfathered TV BAS Channel A10 operations exist and the channel will need to be used as long as there are more users than channels. Assuming that the existence of a limited number of

Sector, which attempted to obtain 25 MHz of replacement TV BAS spectrum at 4,660-4,685 MHz); ET Docket 90-314 (Personal Communications Services); ET Docket 92-9 (Redevelopment of Spectrum to Encourage Innovative Use of New Telecommunications Technologies); and Interdepartmental Radio Allocation Committee (IRAC) Docket 30063 to codify the long standing informal sharing of 2 GHz TV BAS frequencies by the National Aeronautics and Space Administration (NASA).

² At paragraph 19 of the July 6, 2000, ET Docket 95-18 *Second R&O and Second MO&O*, the Commission adopted verbatim the description submitted by the SBE for the classes of ENG markets. Those classifications are as follows:

Category I. "Los Angeles" or "LA." Extremely heavy use, mostly split channel. There is lots of itinerant use and channel borrowing and sharing; even so, seven channels aren't enough.

Category II. "Metro." Spectrum is heavily used, especially during the news hours. There is some split channel use, not a lot, and some itinerant use. There is regular channel borrowing and sharing.

Category III. "Light." There is some electronic news gathering ("ENG"), some fixed link, maybe even some channels mostly vacant most of the time. Typically, a small-market, low-competition situation.

Category IV. "Rural." ENG is unheard of, the use is for fixed, long-haul relays to small-market TV stations, to TV translator stations, and to cable television headends. In some areas not all channels are even used.

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BAS Channel A10 licenses equates to limited usage is akin to assuming that the limited number of cellular licenses issued means that the cellular bands are also lightly used; both are invalid conclusions. As co-primary stations they have well established earlier-in-time rights over newcomer users. Until the Commission re-farms the 2.5 GHz TV BAS band, as suggested by SBE in its July 11, 2005, *Response to Reply of Globalstar to the Informal Objection of the Society of Broadcast Engineers, Inc.*, and as summarized in the attached Figure 1, EIBASS will keep reminding the Commission of this indefinitely grandfathered, co-primary use of 2,483.5–2,500 MHz.

List of Figures

5. The following figure has been prepared as a part of these EIBASS ET Docket 10-142 comments:

1. Existing versus proposed new 2.5 GHz TV BAS band plan.

Respectfully submitted,

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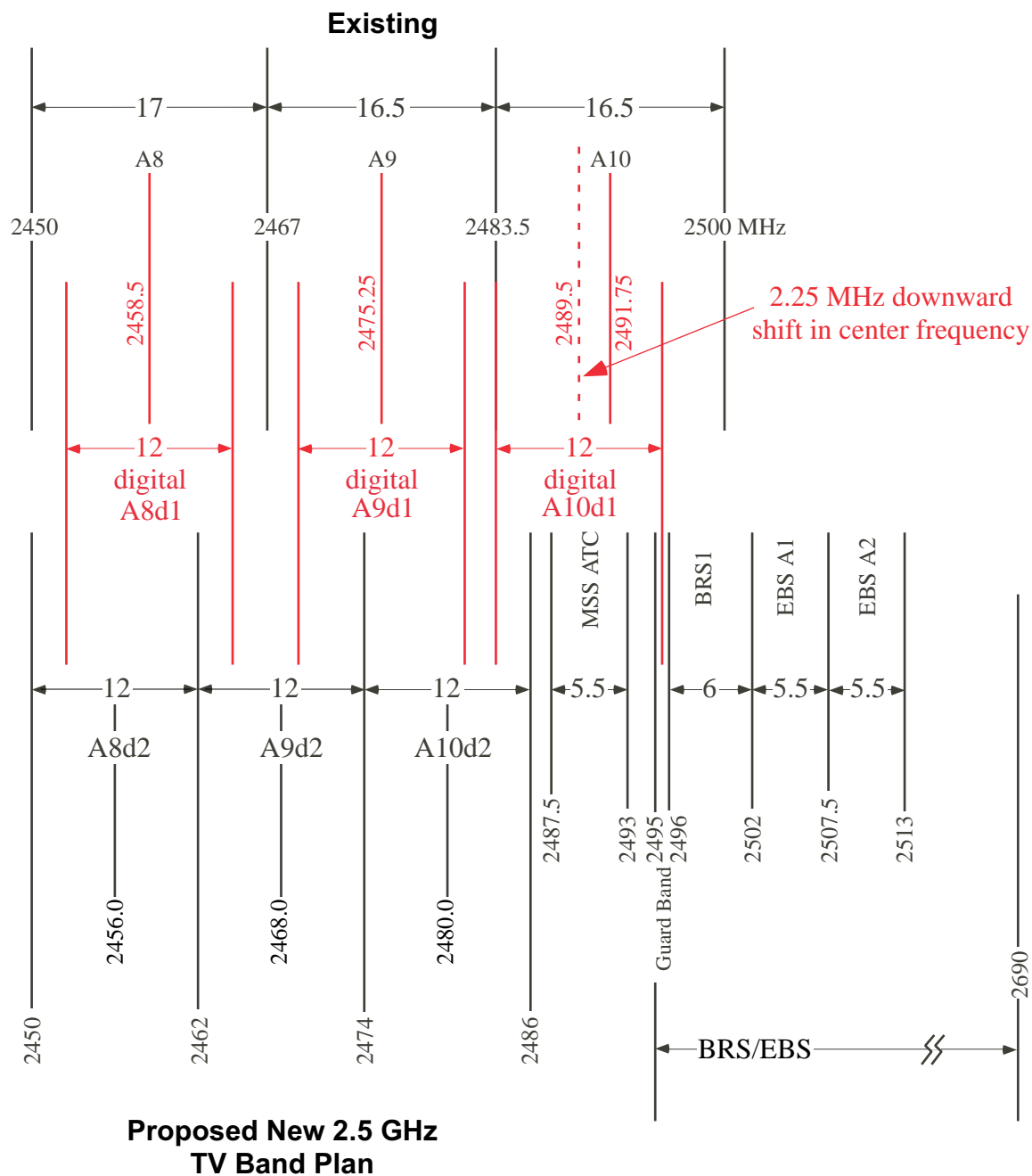
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Existing vs SBE-Proposed New 2.5 GHz TV BAS Band Plan



All frequencies and bandwidths are in MHz.